

HOUSE No. 4290

The Commonwealth of Massachusetts

By Mr. Murphy of Burlington, for the committee on Ways and Means, on Senate, No. 998, a Bill regulating the sport of mixed martial arts (House, No. 4290). October 20, 2009

An Act regulating the sport of mixed martial arts.

FOR THE COMMITTEE:

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| NAME: | DISTRICT/ADDRESS: |
| Charles Murphy | 21st Middlesex |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act regulating the sport of mixed martial arts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 22 of the General Laws is hereby amended by striking out section 12, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 12. There shall be in the department a commission, to be known as the state athletic commission, which shall consist of the commissioner of the department of public safety, or his designee, and 4 persons to be appointed by the governor who shall serve for terms of 3 years. At least 1 member shall have a background in the sport of boxing and at least 1 member shall have a background in the sport of mixed martial arts. Mixed martial arts shall have the same meaning as defined in section 32 of chapter 147.

The governor shall from time to time designate 1 member as chair. The members shall receive their traveling expenses necessarily incurred in the performance of their duties and shall be allowed such sums for clerical assistance as the governor and council may approve. The department shall provide administrative support to the commission. The commission may deputize 1 or more persons to represent the commission and to be present at a match or exhibition held under sections 32 to 51, inclusive, of chapter 147; provided further that such deputies shall be compensated in the amount of \$75 for each match or exhibition attended pursuant to this section; provided, however, that deputies shall not receive compensation for travel and incidental expenses necessarily incurred in the discharge of their duties.

SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section 2ZZZ the following section:-

Section 2AAAA. There shall be established and set up on the books of the commonwealth a separate fund to be known as the State Athletic Commission Fund, hereinafter in this section referred to as the fund, to be administered by the department of public safety. The fund shall consist of any monies from licensing fees or other fees and fines collected pursuant to sections 32 through 35, inclusive, of chapter 147, sections 40, 40A and 42 of said chapter 147 and section 12 of chapter 265. The amounts credited to the fund shall be available for expenditure without further appropriation by the department of public safety up to an amount not to exceed \$200,000 each fiscal year for the costs of operating and administering the state athletic commission; provided that if the amount credited to the fund exceeds

\$200,000, the excess amount shall be deposited into the General Fund. For the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expense and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

SECTION 3. Chapter 147 of the General Laws is hereby amended by striking out sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-

Section 32. (a) In this section and in sections 33 to 51, inclusive, the following words shall have the following meanings unless a different meaning is clearly required by the context:-

“Boxing”, the art of attack and defense with gloved fists practiced as a sport limited to legal blows above the waist and on the front or sides of the opponent.

“Commission”, the state athletic commission established in section 12 of chapter 22.

“Kickboxing”, a form of competition in which a person delivers blows with any part of the arm below the shoulder, including the hand and any part of the leg below the hip, including the foot.

“Mixed martial arts”, any form of unarmed combat involving the use of a combination of techniques including, but not limited to, grappling, kicking and striking, commonly associated with boxing, kickboxing, wrestling and various disciplines of the martial arts including, but not limited to, karate, kung fu, tae kwon-do, Jiu-Jitsu or any combination thereof.

“Unarmed combative sport”, any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury and no weapon is used; provided that “unarmed combative sport” shall not include professional wrestling.

“Toughman”, a boxing or unarmed combative sporting match or exhibition in which combatants do not qualify for licensure by the commission as a professional combatant or for amateur status by a commission-approved amateur organization; provided, however, that “toughman” shall not include matches or exhibitions conducted pursuant to section 50A.

(b) No boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or sparring match or exhibition for a prize or purse, or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, whether professional or amateur, shall take place or be conducted except in accordance with a license granted as hereinafter provided by the commission. Applications for a license shall be accompanied by such fee, as established annually by the commissioner of administration and finance pursuant to section 3B of chapter 7, which may take into consideration the population of the city or town or the seating capacity of the building or place in which the match or exhibition is to be held; provided, that a license, the fee for which is established on the basis of seating capacity of a building or place as aforesaid, shall be exercised only in such building or place. Tough-man or similar type matches or exhibitions shall be prohibited. In the case of exhibitions or bouts held in accordance with the rules and regulations of amateur organizations as may be approved by the commission, the commission may issue special licenses without the requirement of a bond as provided in section 34 or payment of the annual fee.

(c) Any persons holding, conducting, promoting or participating in a match or exhibition held without a license, as provided in section 33, or a toughman or similar type match or exhibition, shall be punished by imprisonment in the house of corrections for not more than 3 months or by a fine of not more than \$5,000, or both such fine and imprisonment.

(d) Matches or exhibitions under the governance of the Massachusetts Interscholastic Athletic Association, the National Collegiate Athletic Association or any equivalent school or college organization shall be exempt from the requirements of this section if the competitors are amateurs.

Section 33. The commission may, subject to sections 32 to 47, inclusive, issue licenses to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sporting events, sparring matches and exhibitions. The license shall be valid only for the date approved by the commission. The commission may revoke the license at any time in the interest of public safety. No license shall be issued for a toughman competition or similar event.

SECTION 4. Section 34 of said chapter 147, as so appearing, is hereby amended by striking out, in line 3, the words “five thousand dollars” and inserting in place thereof the following figure:- \$50,000.

SECTION 5. Said section 34 of said chapter 147, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the words “one thousand dollars” and inserting in place thereof the following figure:- \$10,000.

SECTION 6. Said chapter 147 is hereby further amended by striking out sections 35 to 40A, inclusive, and inserting in place thereof the following 10 sections:-

Section 35. No person shall act, directly or indirectly, as a physician, promoter, referee, judge, timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant, or as manager, trainer or second of such a contestant, at a match or exhibition or as a matchmaker therefor, unless licensed by the commission upon receipt of such classified fee to be determined annually by the commissioner of administration and finance under section 3B of chapter 7. The commission shall set minimum requirements for licensure based upon skill or other fundamental prerequisites deemed necessary to adequately and safely execute the functions of the respective position. The commission may refuse to license any individual who does not meet those requirements or whose safety and well-being it determines will be put at substantial risk by engaging in their respective position. Whoever acts in such capacity, without being so licensed shall be punished by a fine of not more than \$10,000. Any official who desires to officiate without charge at amateur boxing or sparring matches or exhibitions shall be licensed without charge. No person shall be licensed under this section who is under 18 years of age, except as otherwise provided in section 39.

Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all amateur boxing, mixed martial arts or other unarmed combative sporting events, sparring matches and exhibitions sanctioned by the national governing body and its local affiliate which are appointed and recognized by the United States Olympic Committee for such purposes, acknowledge and follow the rules and regulations of said amateur governing bodies.

100 No amateur match which is subject to section 32 shall be held unless it is licensed by the
101 commission and sanctioned and supervised by an amateur sanctioning organization approved by the
102 commission.

103 The commission shall recognize and license, upon receipt of the classified fee to be determined
104 annually by the commissioner of administration and finance under section 3B of chapter 7, the amateur
105 referees, judges and other amateur officials assigned to such amateur matches or exhibitions by the
106 amateur governing bodies and certified under their rules and regulations.

107 The commission shall cooperate fully with the amateur boxing governing bodies to assure that
108 amateur boxers are eligible to participate and compete for selection to the United States Olympic boxing
109 team.

110 No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day period
111 nor shall such contestant participate in more than 3 contests between 12 noon on any 1 day and 12:30 a.m.
112 on the following day. All amateur boxing or sparring matches or exhibitions shall terminate not later
113 12:30 a.m. on the day following the start of the match.

114 During a contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear
115 gloves weighing at least 8 ounces each unless otherwise authorized by the amateur boxing governing
116 body. During a contest, contestants in amateur mixed martial arts and other unarmed combative sport
117 matches or exhibitions shall wear gloves weighing at least 4 ounces each unless otherwise authorized by
118 the amateur governing body.

119 Section 36. At every boxing, kickboxing, mixed martial arts or other unarmed combative sporting event,
120 sparring match or exhibition there shall be in attendance a referee, duly licensed under this section and
121 sections 35 and 35A. There shall also be in attendance at least 3 duly-licensed judges, each of whom
122 shall, at the termination of a match or exhibition, vote for the contestant in whose favor the decision
123 should, in his opinion, be rendered or, for a draw if, in his opinion, neither contestant is entitled to a
124 decision in his favor and the decision shall be rendered in favor of the contestant receiving a majority of
125 the votes or, if neither receives a majority as aforesaid, a decision of a draw shall be rendered. Upon the
126 rendering of a decision, the vote of each judge shall be announced from the ring. The referee shall have
127 full power to stop the match or exhibition whenever he deems it advisable because of the physical
128 condition of a contestant or when 1 contestant is clearly outclassed by his opponent or for other sufficient
129 reason. The commission shall declare forfeited any prize, remuneration or purse or any part thereof
130 belonging to a contestant if, in the judgment of a majority of the commissioners after consultation with
131 the judges and the referee, such contestant was not competing in good faith. The fees of the referee and
132 other licensed officials shall be fixed by the commission and shall be paid by the licensed organization
133 prior to the match or exhibition.

134 Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative sporting event,
135 sparring match or exhibition there shall be in attendance at least 1 duly licensed physician, whose duty it
136 shall be to observe the physical condition of the contestants and advise the referee or judges with regard
137 thereto. A competent physician who has at least 3 years of experience as a medical practitioner may be
138 licensed. No contestant shall be allowed to enter the ring unless a physician licensed under this section
139 and section 35, inclusive, shall certify in writing that the contestant is physically fit to engage in the

proposed contest. The physician's fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

Section 38. No boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 10 rounds; provided, however, if a match is to determine a championship, it may exceed the round limits with the prior approval of the commission. No mixed martial arts match or exhibition shall exceed 3 rounds; provided, however, if a match is to determine a championship, it may exceed the round limits with the prior approval of the commission. No round in a boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 3 minutes. No round in a mixed martial arts match or exhibition shall exceed 5 minutes. No contestant in a professional match or exhibition shall participate in more than 10 rounds unless otherwise authorized by the commission, as the case may be, during a 72-hour period. During a contest, contestants in professional boxing and kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the commission. During a contest, contestants in mixed martial arts and other unarmed combative sporting events, matches or exhibitions shall wear gloves weighing at least 4 ounces each unless otherwise authorized by the commission. Every contestant participating in boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or exhibition shall be required to wear standard protective devices as outlined by regulation by the commission.

Section 39. Except as hereinafter provided, no contestant under 18 years of age or who has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition, except that the age requirement shall not apply to a world boxing champion who is still actively engaged as a professional boxer, or to a former boxing champion of the world who has not been inactive as a professional boxer for more than 2 years from the date of his last boxing contest; provided, however, an amateur boxer shall be allowed to compete as such at the age of 16. At the discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant who has reached his thirty-fifth birthday may be permitted to engage in a match if the contestant has passed a physical examination or is otherwise medically-cleared to participate by a physician selected by the commission. At the discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has not yet reached his eighteenth birthday may be licensed as a professional boxer. The foregoing shall not apply to courses of instruction in boxing, kickboxing, mixed martial arts or other unarmed combative sport sponsored and conducted by recognized boys and girls clubs, youth organizations, private clubs and athletic associations, schools or colleges, municipal or state park or recreational departments, law enforcement organizations or incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and directors.

No person under the age of 16 shall be admitted to, or be present at, a professional match or exhibition unless accompanied by an adult.

Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant licensed under section 35 who has been knocked out, technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding 12 months shall take part in a match or exhibition until he has been examined and found fit to take part in such a match or exhibition, by a physician selected by the commission, at a place and time designated by the commission. The cost of conducting the examination shall be borne by the contestant. If a contestant is found unfit to engage in a

match or exhibition, he shall be excluded from participation for 3 months, after which time he may make a request to the commission for another physical examination. A license issued to an individual pursuant to section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

Section 39B. A person licensed under section 33 to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sport events, sparring matches or exhibitions, except those persons to whom a special license may be granted thereunder without the requirement of a bond or payment of the annual fee, shall take out a policy of accident insurance on each contestant participating in the match or exhibition in the amount of \$5,000 to compensate him for medical and hospital expenses incurred as the result of injuries received in such match or exhibition and a policy in the amount of \$50,000 to be paid to the estate of the deceased contestant in the event of death to the contestant resulting from participation in the match or exhibition. The premiums on the policies shall be paid by the licensee.

Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the commencement of the final feature bout of the event, pay to the commission a sum equal to 4 per cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee shall pay to the commission an additional sum equal to 2 per cent of the total gross receipts generated by the sale, lease or other exploitation of the television, pay-per-view, motion picture or other broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to be paid by the licensee whether or not the licensee ever receives a portion of that amount; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts and the total amount shall be paid to the commonwealth, as the commission may determine or as may be fixed by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24 hours prior to the event but in no event shall payment be made later than 48 hours after the live event. Pay-per-view showings of an event more than 48 hours after the live event shall be exempt from the requirements of this section. The broadcasting fee imposed under this section shall be not more than \$75,000 per event. Within 72 hours after its conclusion, the licensee shall furnish to the commission a report, showing the exact number of tickets sold and admission fees collected for the contest, the gross receipts thereof and such other data as the commission may require.

A licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sporting event, sparring match or exhibition shall, at least 48 hours before a licensed contest or exhibition, file with the commission a copy of all contracts entered into for the sale, lease or other exploitation of broadcasting rights for the contest or exhibition. All contracts filed with the commission pursuant to this section shall be exempt from disclosure pursuant to section 10 of chapter 66. The commission shall enforce this section.

Section 40A. Every licensee holding or conducting any boxing, kickboxing, mixed martial arts, or other unarmed combative sporting event or sparring match or exhibition shall, prior to the commencement of the feature bout of the event, pay to the state treasurer, in addition to the payment required under section 40, a sum equal to 1 per cent of the total gross receipts from the sale of tickets or from admission fees; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts shall be paid to the commonwealth as the commission may determine or as may be fixed by rule adopted under section 46. Said sums shall

be credited by the treasurer to a fund to be known as the Boxers' Fund which shall be administered by the Boxers' Fund board for the use and benefit of a contestant or former contestant in a regulated event under the purview of the commission for funeral expenses or assistance needed as a result of an injury suffered while participating in an event.

SECTION 7. Section 42 of said chapter 147, as so appearing, is hereby amended by adding the following paragraph:-

The commission may suspend a license of a combatant issued pursuant to section 35 without a hearing upon a finding that it would be unsafe for the individual to compete until either the passing of a fixed period of time or upon medical clearance. The commission may assess an administrative penalty not to exceed \$2,000 for each violation of sections 32 to 45, inclusive, or the commission's rules and regulations committed by an individual required to be licensed under this chapter.

SECTION 8. Section 45 of said chapter 147, as so appearing, is hereby amended by striking out, in lines 4, 6 and 10, and in lines 14 and 15, each time they appear, the words:- "boxing or sparring".

SECTION 9. Said chapter 147 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section:-

Section 46. The commission may make such rules and regulations for the administration and enforcement of sections 32 to 50A, inclusive, and to promote and regulate the sports of boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed necessary, including defining any terms requiring definition under said sections 32 to 50A, inclusive. The rules and regulations may provide for and regulate the granting of special permits for exhibitions where no decision is to be rendered, no admission fee is to be charged and where skilled combatants merely demonstrate the mechanics of their respective discipline. The commission shall make an annual report in January of each year to the general court of the acts of the commission.

SECTION 10. Chapter 147 of the General Laws is hereby amended by inserting after section 47 the following section:-

Section 47A. The commission shall notify a municipality in writing of the issuance of a license for an event scheduled to take place therein within 24 hours of its issuance. At its option, a municipality may prohibit an event licensed by the commission under section 33. Such prohibition shall be by a majority vote of the city council and mayor in a city or by a majority vote of the board of selectmen. Such municipal option shall be exercised within 7 days of issuance of a license by the commission. The municipality shall notify the commission within 24 hours of any such action. Upon receipt of such notice, the commission shall immediately notify the promoter of the determination of the municipality and the license shall be revoked.

SECTION 11. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

SECTION 12. Said chapter 147 is hereby further amended by striking out section 50A, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 50A. Courses of instruction in boxing, kickboxing, mixed martial arts and other unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by recognized boys and girls clubs, youth organizations, private clubs and athletic associations, schools and colleges, law enforcement agencies or municipal or state parks and recreation departments, under the supervision of qualified instructors and directors, may be conducted in a city or town without requiring a license pursuant to section 33.

SECTION 13. Section 51 of said chapter 147, as so appearing, is hereby amended by inserting after the word “boxing”, in line 3, the following words:- , kickboxing, mixed martial arts or other unarmed combative sporting event.

SECTION 14. Chapter 180 of the General Laws is hereby amended by striking out section 28, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 28. If a person is convicted of a violation of section 12 of chapter 265 for engaging in, giving or promoting a public or private boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, the contestants who have received or were promised a pecuniary reward, remuneration or consideration on the premises of or under the auspices of a club or organization described in section 4, the commissioner of public safety and homeland security, the city council or mayor in a city where the club or organization is situated, the board of selectmen or the board of aldermen in a town where the club or organization is situated, or the police commissioner of the city of Boston if the club or organization is situated in Boston shall immediately give notice to the state secretary who, upon receipt thereof, shall declare the charter of the club or organization void. The state secretary shall publish a notice in at least 1 newspaper published in the city or town wherein the club or organization is situated that the charter of the club or organization is void.

SECTION 15. Chapter 265 of the General Laws is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50A, inclusive, of chapter 147, gives, promotes or engages in a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished by imprisonment in the house of corrections for not more than 3 months or by a fine of not more than \$5,000, or both such fine and imprisonment.

SECTION 16. Notwithstanding any general or special law to the contrary, an existing member of the state boxing commission, appointed as provided in section 12 of chapter 22 of the General Laws prior to the effective date of this act, shall continue in office for the remainder of his unexpired term and shall be eligible for reappointment to the state athletic commission created in section